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JANUARY 30, 2023

VIA CM/ECF

The Honorable Colm F. Connolly
District Court of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3555

Re: *Charles Smith Enterprises, LLC v. Catapult Sports Inc.*, C.A. No. 21-1278-CFC; *Charles Smith Enterprises, LLC v. DVSport, Inc.*, C.A. No. 21-1279-CFC

Dear Chief Judge Connolly:

Pursuant to the Scheduling Order in the above-referenced cases, Plaintiff Charles Smith Enterprises, LLC (“CSE”) and Defendants Catapult Sports, Inc. (“Catapult”) and DVSport, Inc. (“DVSport”), collectively “the Parties,” hereby write the Court together to confirm the conference of their respective counsel prior to preparing and submitting the Amended Joint Claim Construction Chart concurrently with this letter.

The foregoing conference took place by telephone on Friday, January 27 and lasted for approximately one-half hour. Paul Richter of Devlin Law Firm participated on behalf of Plaintiff CSE. Andrew Strickland of Lee & Hayes, P.C. and Kelly Farnan of Richards, Layton & Finger, P.A., participated on behalf of Defendant Catapult. Andrew Cheslock and Geoffrey Grivner of Buchanan Ingersoll & Rooney PC participated on behalf of Defendant DVSport.

Moreover, leading up to the January 27 teleconference, the Parties’ discussions and exchange of claim construction briefs resulted in seven of the original twenty-two terms being dropped from the initial Joint Claim Construction Chart (D.I. 42), as no longer requiring the Court’s

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consideration. The dropped terms were originally designated Terms 4-10 by the Parties, and the dropping of those Terms 4-10 also removes from the Court's consideration the issues of whether any claim term is written in "means-plus-function" language and whether any such term is indefinite under 35 U.S.C. § 112, ¶ 2.

The Parties grouped the remaining fifteen terms (designated Terms 1-3 and 11-22) into four categories for ease of reference and consideration in the Joint Claim Construction Brief filed January 23, 2023. (D.I. 55.) Specifically, these four groups are:

- Terms 1-3 ("a customizable media logging system for indexing media" and "media" or "the media");
- Terms 11, 13, 14, 17, and 19-21 ("customizable"/"custom");
- Terms 15, 16 and 22 ("graphical user interface generator"); and
- Terms 12 and 18 ("timer object").

The Amended Joint Claim Construction Chart has been reorganized to present the disputed claim terms in the foregoing order, with each term also labelled with its foregoing numeric designation for the Court's convenience in comparing the Amended Chart to the Parties' arguments in the Joint Claim Construction Brief.

Respectfully submitted,

/s/ Timothy Devlin

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